

### REMARKS

This application has been carefully reviewed in light of the final Office Action dated November 21, 2007. Claims 14 and 16 are in the application, with Claim 14 being independent. Reconsideration and further examination are respectfully requested.

Claims 14 and 16 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,284,465 (Wolber) in view of U.S. Patent No. 6,471,016 (Noblett) and U.S. Patent No. 6,869,763 (Tamura). These rejections are respectfully traversed.

Claim 14 recites, *inter alia*, measuring an amount of the labeling compound directly bonded to the substrate at a predetermined matrix site on the surface of the substrate, wherein no probes are immobilized at the predetermined matrix site.

None of Wolber, Noblett, and Tamura, even in the proposed combinations, assuming, *arguendo*, that such could be combined, is seen to disclose or suggest at least the above-discussed feature.

Wolber describes a method in which the locations of features 13 and 17 are determined by exploiting the optically detectable contrast 16 between probe-bound substrate areas (i.e., features 13, 17) and the non-probe bound substrate areas (i.e., regions 15). See col. 21, line 61 to col. 22, line 9, and Fig. 1 of Wolber. However, Applicants respectfully submit that these non-probe bound substrate areas are not matrix sites. Rather, the non-probe bound substrate areas refer to the areas between matrix sites.

Noblett describes a microarray sample with dilution spots 119, where the dilution spots 119 contain a fluorophore. See col. 5, lines 33 to 42 and Fig. 2 of Noblett. However, nowhere is Noblett seen to describe that the dilution spots 119 contain the same

labeling compound as that used for the probes, and that the labeling compound is directly bonded to the substrate.

Tamura describes a microarray chip with a microarray index 17, where the microarray index 17 is made up index spots containing a luminescent colorant. See col. 4, lines 30 to 47, and Fig. 2 of Tamura. However, nowhere is Tamura seen to describe that the index spots contain the same labeling compound as that used for the probes, and that the labeling compound is directly bonded to the substrate.

Claim 16 is also submitted to be patentable because it sets forth additional aspects of the present invention and is dependent from the independent claim discussed above. Therefore, separate and individual consideration of this dependent claim is respectfully requested.

No other matters being raised, the entire application is believed to be fully in condition for allowance, and such action is courteously solicited.

No fees are believed due; however, should it be determined that additional fees are required, the Director is hereby authorized to charge such fees and any additional fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required during the entire pendency of this application, or to credit any overpayment, to Deposit Account 06-1205.

Applicants' undersigned attorney may be reached in our Costa Mesa, California, office by telephone at (714) 540-8700. All correspondence should be directed to our address given below.

Respectfully submitted,

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